

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**


In the Matter of)	
)	
Amendment of Parts 73 and 74 of the)	MB Docket No. 03-185
Commission's Rules to Establish Rules for Digital)	
Low Power Television, Television Translators, and)	
Television Booster Stations and to Amend Rules for)	
Digital Class A Television Stations)	

**REPLY COMMENTS OF
THE NATIONAL TRANSLATOR ASSOCIATION**

The National Translator Association ("NTA") hereby responds to certain comments filed in the above-captioned proceeding. The substance of these Reply Comments is set forth in the attached Statement prepared by the President and specified members of the Board of Directors of NTA.

Respectfully submitted,

**NATIONAL TRANSLATOR
ASSOCIATION**

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Statement of the National Translator Association
(Reply Comments in MB Docket No. 03-185)

I. INTRODUCTION

The National Translator Association ("NTA") is a non-profit service organization that represents TV and FM translator operators, many located in the Inter-Mountain West. NTA's historic purpose, the preservation of free over-the-air broadcast signals to every home, remains vital and in the national interest, even as new technologies have fostered many new types of program delivery.

Participation in this docket includes significant input from non-broadcast spectrum users, especially the providers of cell phone service, wireless service, and those hopeful for an important role as the National Broadband Plan comes to fruition. NTA embraces the provision of up-to-date and future technologies, which have brought and continue to bring desirable changes to the rural areas that translators serve. NTA's concern is that these changes be implemented carefully, in a manner that does not disrupt or disfigure vital established services.

Some parties, in their zeal to move forward with new technologies, may not have been sufficiently attentive to potential adverse impacts on existing service to the public, impacts arising either from timing of implementation or from technical issues identified by other commenters. As noted herein, several of those parties have advocated drastic measures without the detailed justification that would seem to be warranted.

NTA is gratified that the Commission has taken the opportunity in this Docket to offer a number of engineering improvements that, if adopted, will enable digital TV translator and LPTV stations to better serve their audiences and make better use of the spectrum. In many

cases, these proposals enjoy near uniform support in the comments submitted in this proceeding.

In the paragraphs that follow, NTA discusses implementation timing and technical issues raised in the numerous comments filed by other parties, as well as in the Further Notice itself.

II. IF A TERMINAL DATE IS IMPOSED FOR NTSC OPERATIONS, IT SHOULD COME AFTER ANY REALLOTMENT AND REPACKING OF THE TV BANDS.

The Commission's Further Notice proposed a firm terminal date (on or about June 12, 2012) for NTSC operations in all channels. In its Comments, NTA suggested a number of reasons that such a terminal date would be too abrupt. Specifically, if the proposed rules herein are not adopted until the summer of 2011 at the earliest, formal adoption of the date might be only twelve months before its implementation, or even less. Given this and other problems enumerated by NTA, it is suggested that a three-year implementation interval be announced, equal to the scope of the every-day construction permit, and not commencing until the effective date of the relevant Report and Order, i.e., following publication in the Federal Register.

Based on its review of the comments of other parties in this proceeding, NTA now believes that its own approach gave inadequate attention to the interdependencies of the LPTV DTV transition and the planned re-allotment of television spectrum under the National Broadband Plan, and see *Notice of Proposed Rule Making* in Docket No. 10-235, FCC 10-196, released November 30, 2010. As noted by Island Broadcasting Co., a repacking implies that many full-service DTV stations will change channels, locations, or both. In turn, TV translator and LPTV stations, as secondary services, will also need to move. As Island suggests, many such stations will be unable to find an alternate channel and may need to

cease operation altogether. A deadline prior to the broadband repacking could result in a wasteful sequence of two or even more substantial translator re-toolings. Only a compelling public need could justify the proposed uniform imposition of a near-in deadline on a secondary service.

Similar points are made, and well presented, by Venture Technologies Group, LLC, and by DuTreil, Lundin and Rackley. As noted by duTreil, of 7,000 licensed LPTV and TV translator stations, only 1,830 have obtained a digital license. It is to be hoped that many of the remainder have their DTV transitions well under way. But for those of the remaining 5,140 which have not yet started, the road ahead includes obtaining authority, securing financing, and purchasing and installing equipment. It is not enough to say that they “should have known,” when many are in isolated rural areas, operated by non-profits, or are dependent school and government licensees with many rival budgetary cross-pressures. In all cases, it will be the public that suffers in those areas where service is degraded or lost. Not until this proceeding have licensees been on actual notice that a single, mandatory switch-over date would be imposed. Entravision, while endorsing a 2012 sunset date, notes that special consideration would have to be given for rural areas--served by the core NTA membership--and for stations needing and not receiving international coordination and consents.

Trinity Broadcasting Network, for these reasons and others well stated by it, suggests that the Commission adopt a switch-over deadline after the reallocation of spectrum is complete, but in any event not before the end of 2015. So far, the record supports NYA's position that no all-channel forced switchover date should be imposed, unless it occurs after the final adoption of a report and order re-allocating spectrum and imposing new channel

assignments on incumbent full-service TV stations. There is ongoing debate as to whether or not a single block of the current in-core spectrum should be set aside, nation-wide, under the Broadband Plan, or whether specific markets should be redesigned in a manner similar to that employed in the full-service DTV roll-out. The re-allocation may involve an incentive auction, and new legislation. In that event, channels to be reallocated will not be known until the auction has run its course. Requiring secondary TV translator and LPTV stations to relocate or change channel, with no clear road-map of the channels where they might remain, would be unjust and wasteful.

This is not merely a cost factor for such stations. If a licensee fears it may need to make the investment twice or more, it may be unwilling or unable to incur the additional foreseeable risks inherent in zoning, applying, contracting, and constructing, and may simply give up. In addition, and recalling the duTreil data--1,840 licensed digital LPTV's and translators, and another 5,140 still at analog--under the new spectrum plan, whatever it shall be, any of these stations may need to move, including the ones that have already switched to DTV. Future moves of existing digital LPTV stations also will affect those striving to become digital. In such an environment of uncertainty, the imposition of a near-in deadline is certain to destroy existing service by forcing hundreds, if not thousands, of station licensees to make a fundamental existential decision, with no firm picture of the regulatory future. Nothing in the record here suggests a public benefit that could rival the importance of the loss to rural television viewers who depend on translator service.

A. Secondary Status as Valuable Planning Factor

A number of parties filed comments supporting a near-in deadline, but their rationales for doing so are either missing or not particularly persuasive. Indeed, the fact that the parties

advocate widely divergent dates itself suggests the lack of cogent rationales for any of the alternative plans being put forward. But a general observation applies to all these comments. NTA respectfully submits that these parties as a whole have not fully appreciated the Commission's historic use of secondary service as a planning tool. The first TV translator rules, as adopted in 1956, were predicated on secondary service because that was the only way they could be harmonized with the plan to develop broadcast television through a Table of Allotments. When LPTV was added in 1982, the decision was made to make this service likewise secondary. This was done in recognition that the future might bring on higher-value uses, as it has actually done. But even more important, secondary service was considered spectrally efficient, because it permitted multiple use of the same spectrum at the same time. In the case of TV translators, this made sense because of a record of virtually no destructive interference caused--a record that continues to this day.

Many of the comments in the instant proceeding appear to be founded on the unstated premise that secondary service is somehow “messy,” that it should not exist. NTA submits that the authorization of secondary uses is one of the Commission's most valuable and important means of achieving efficiency. In many instances, it means that “good citizenship” responsibility can be placed on the licensee, at the local level, with a reduced level of government oversight and control. Those who argue that TV translator and LPTV stations should be terminated by a date certain because they are secondary have the matter exactly backwards. Because they are secondary, they are no threat to full-service digital TV, to universal high-speed broadband, to fourth generation wireless, or to any other use. On this record, proponents of a near-end deadline not only make no showing of any detrimental effect of secondary service on those latter uses, they have not even attempted it.

B. No Good Cause Shown for a Close-in Terminal Date

A neat illustration of this reversal to the burden of proof may be found in the Comments of Cellular South, Inc., which would require termination of out-of-core analog operations, Channel 51, and all transmissions by licensees which have been granted a companion channel, by December 31, 2011 (hereinafter, "CY2011"), and of all analog TV translator and LPTV stations by December 31, 2012 ("CY2012"). "No reason exists for continued analog operation beyond these dates," *Id.* at p. 4. No reason, that is, except for the continuity of TV broadcast service. Note, too, that in service areas where mountain-top locations may not be accessible year-round, Cellular South would make the calendar year dispositive, and leave only one climatic transition season out-of-core, and two for all other facilities.¹ Continuing, per Cellular South, any waiver should be an "extraordinary remedy" requiring proof of lack of harm to any potentially affected party, such as a 700 MHz wireless licensee. Aside from the well-known impossibility of proving a negative, this assumes resources to make formal showings, when precisely the lack of resources (not lack of will) had been the only impediment for many licensees who have been unable to make the TV transition by now.

The Consumer Electronics Association ("CEA") and the Consumer Electronic Retailers Coalition ("CERC") from their viewpoints quite properly focus on consumer readiness for the DTV transition, suggesting that American households, having navigated the full-service transition, are able to accommodate all TV going digital. NTA believes these points are well taken, but they represent a necessary, not a sufficient, condition for a smooth

¹ In the quite possible scenario that a report and order in the instant proceeding is not adopted until September or October of this year, out-of-core licensees could have as little as 60 days between actual notice and the first big snowfall.

transition, and say nothing about a mandatory deadline. CERC is appropriately vague, suggesting that CY2012 might be the right date, subject to what might be said in the comments here. CEA stresses the value of a uniform date for consumer education and acceptance, but its recommendation is not uniform, suggesting CY2011 in Channels 52-69 and CY2012 for all channels. Obviously, out-of-core incumbents are not spread uniformly among TV markets, so the recommendation does not fit with the rationale.

AT&T addresses itself exclusively to clearance of the 700 MHz band. It proposes that analog incumbents be required to apply for displacement channels by June 30 of this year, with cessation of all operations by CY2011. This is needed "so that commercial wireless entities can avoid impediments to the deployment of needed broadband offerings" (p. 2), without mentioning or citing, let alone documenting, a single such impediment. Verizon Wireless recommends the same deadline for 700 MHz. Verizon at least acknowledge that a workable notification policy exists, but it is Verizon's experience that notification "distracts network personnel."² This perfectly illustrates the carrier's lack of appreciation for secondary uses and, apparently, a mistaken belief that it need not concern itself with other public interest values because it owns its spectrum *in fee*.³ Similarly, Motorola, Inc. asserts (p. 3) that coordination with secondary users has proved to be "non trivial," with no supporting data

2 Verizon cites only one instance of conflict with an incumbent user, perhaps the only instance it has encountered. NTA believes that in its 700 MHz roll-out Verizon possesses adequate resources to deal with a handful of problem cases, without having to add personnel or get a loan from the bank.

3 Verizon wants to tighten the coordination and notification processes. This makes sense if the Commission selects a somewhat liberalized deadline, but Verizon appears to be shadow-boxing with a problem that has not been encountered in the field and is unlikely to be. Verizon urges that Sec. 74.703(g) be extended to analog facilities in the upper channels. However it has been NTA's understanding, and consistent practice and advice to members, that land mobile priority and notification already apply to analog facilities. (Notification, whether by certified mail or by e-mail should include some assurance of actual receipt by the affected station.)

or even examples. If coordination with secondary users is non-trivial, as it states, NTA wonders if a better description perhaps would be "minor" or "slight."

Unlike these parties, The National Public Safety Telecommunications Council ("NPSTC") supports the vacation of Channels 52 - 69 not by CY2011 but by CY2012. In its scenario, however, all incumbent NTSC facilities, TV translator and LPTV stations, also would be required to cease analog operations by that date (CY2012). NTA finds itself in perfect agreement with the following portion of NPSTC's comments (at pp. 4-5):

[F]rom a public safety perspective, whether a secondary LPTV or translator station is digital or analog is irrelevant; if it interferes with an existing public safety primary operation or stands in the way of deploying such primary operations in the 700 MHzband, expeditious steps must be taken to remove the conflict.

NTA believes that, so long as this precept is strictly adhered to and respected, the urgency is removed from any one-size-fits-all transition deadline. One area where we must part company with NPSTC is the future of land mobile radio in TV Channel 14 – 20 (470 – 512MHz) in the 11 urban markets where they continue to grandfathered. These channels epitomize the crazy-quilt of non-interoperable public safety hardware that caused so many problems and even public endangerment in the past. The equipment for these channels has not been upgraded and is largely obsolete. Meanwhile, the repacking that may impend, for TV translators and even more for full-service TV, will face a dire need of channels and will certainly involve taking a close look at these. Public safety will be able to expand and to thrive in its new upper channels, and should be offered every encouragement to concentrate its vital services there.

NTA applauds CTIA—the Wireless Association, in its view that a final transition date should not be imposed until the spectrum reauthorization process has been completed. It

states that the proposal might exacerbate and complicate Commission efforts to understand and implement relocation policies. Although CTIA does not map out all the possibilities, NTA could mention two. A close-in deadline could disrupt the processing line by creating a small avalanche of channel move applications exactly when the Commission's staff is attempting a new overall channelization plan. Further, a wholesale loss of service could create some public backlash to other spectrum usage goals. TV Translators often are a last-resort access to over-the-air broadcast for many isolated and rural communities. Not only translators, but also the urban stations they deliver, may encounter strong reaction if an abrupt change leaves many communities without service.

C. No Consensus on a Date or Transition Scenario

So far, we are in accord with CTIA, and NTA has no quarrel with that Association's overriding goals. Yet certain of CTIA's specific suggestions sound off-key. Specifically, CTIA would extend the current analog LPTV freeze (and general freeze on new applications above Channel 51), and freeze all new and major change applications for LPTV, whether analog or digital. NTA can scarcely envision a worse plan. As circumstances change and displacements occur, it would force stations off the air one-by-one. CTIA states that this idea would help the Commission evaluate its reallocation and repacking strategies. To the contrary, arbitrarily capping the demand for new and even modifications to existing TV service would create a false impression of the interests to be accommodated and the efficiencies and balancing required.

In joint comments, Public Television (PBS, APTS and CPB) propose still another deadline, CY2013. Yet their catalog of transition difficulties (*see, especially*, pp. 6-7) would appear to make the case for no final date at all. Their description of funding problems is

especially apt (p. 5). An interesting feature of their scenario would be to impose a deadline of CY2013 or six months after the issuance of a construction permit for displacement to DTV. (They would sunset out-of-core by CY2012.) NTA supports a method for dealing with special cases, whether by an extension such as this or by a liberal waiver policy. But the logic for the specific remedy seems lacking. Given the ponderous funding cycles so well described by this party, why would six months be adequate? And what special goals are served by CY2013, that would not be served by some other date? And acknowledging their own data on the large number of public TV stations still dependent to some degree on analog translator rebroadcast, would these members be content to lose that audience, where that would happen merely as an artifact of the chosen date?

Certainly the oddest comment here was proffered by National Public Radio. It supports a definitive sunset date, not for 700 MHz, but for all analog translator and LPTV stations, on December 31, 2011. “There is no reason why this cannot occur uniformly for LPTV just as it did for full-power TV stations.” NPR apparently is unaware that in the DTV roll-out (a) DTV was implemented in stages by market size and network affiliation; (b) stations were granted economic hardship waivers from deadlines; (c) stations were permitted to make an initial build-out of reduced facilities; (d) the originally announced final deadline was extended by Congress by more than a year; and (e) from the first Advanced TV notice in 1987, the DTV transition took 22 years. Perhaps NPR should stick with radio.

D. Area of Consensus; Class A Television a Special Case

NTA notes in comments here an important area of consensus. As Venture Technologies Group, LLC, said, until the National Broadband Plan is implemented, it is impossible to ascertain whether channels will be available for continued DTV service, let

alone which ones. Island Broadcasting Co. echoes the same point. Trinity, with this as its point of departure, says that a mandated switch must await these developments and in no case should occur before 2015. CTIA--the Wireless Association opines that a transition date should not be finalized until spectrum requirements for other service are ascertained in another proceeding. The opponents to this view fail to offer specific reasons that would support another approach. And as noted by a number of parties (*see, especially*, Harris; du Treil), if there are to be hard deadlines, a complex process of transition well justifies a liberal policy of waiver. In such event, NTA stresses that authority for implementation of the waiver policy should be delegated to the Media Bureau.

NTA notes the unique situation of Class A television broadcasters (*and see* LPTV Entrepreneurs; LPTV Licensee Group). These entities are primary to no lesser extent than full- service TV stations, with which they have co-equal spectrum priority. Class A is not a big factor in NTA's membership, and NTA's stated position regarding secondary status does not apply to Class A stations. Currently, Class A stations can preserve their primary status where they are able to flash-cut on the same channel. If they apply for a digital companion channel, their primary status is not transferable to it. NTA suggests that these stations ought to be able to migrate their primary standing in conjunction with a channel change. And because this does have an impact on other spectrum users, we believe the adoption of a final deadline for Class A stations irrevocably to select their final DTV channel makes sense. NTA will not presume to state for them what that deadline should be.

III. RADIO FREQUENCY ENGINEERING ISSUES

As previously noted, NTA is gratified that the Commission has taken the opportunity in this Docket to offer a number of engineering improvement that, if adopted, will enable

digital TV translator and LPTV stations to better serve their audiences and make better use of the spectrum. In many cases, these proposals enjoy near uniform support in the comments submitted in this proceeding. Specific NTA responses to technical issues raised and comments submitted by other parties are set forth below.

A. Antenna Vertical Radiation Patterns

NTA supports the Commission's proposal to allow use of actual vertical radiation patterns in analyzing proposed facilities in the low power television services.⁴ No commenter opposes this proposal. In support, several commenters concur that use of actual patterns will improve the accuracy of determinations of service area and interference.⁵ NTA agrees with Harris Corporation and Cellular South that also obtaining the vertical patterns of existing stations would enable the most accurate analysis. It does not oppose the collection of this data, should the Commission choose to do so. NTA continues to believe that the best approach is to permit, but not require, the submission of vertical pattern data and to permit existing stations to file this data in minor change applications. duTreil, Lundin & Racklely suggest limiting the angular resolution of vertical patterns to 0.1 degree at elevation angles from 0-5 degrees below the horizontal plane and 1 degree from 5 – 90 degrees.⁶ The NTA has recommended a resolution of 0.5 degrees and, of greater importance, that the angles range

4 NTA (p. 4).

5 *See, e.g.*, duTreil, Lundin & Rackley, Inc. (p. 3); John Terrill (p. 3); Cohen, Dippell and Everist (p. 3); Harris Corporation (p. 11); LPTV Entrepreneurs (p. 8); Low Power TV License Group (p. 9); and PBS, APTS & CPB (p. 10).

6 duTreil, Lundin & Rackley (p. 3).

from – 2 degrees (above) to at least 10 degrees below the horizontal plane.⁷ Perhaps the determination of the vertical angular resolution is best left to the Commission and the designers of the interference protection model.

B. Use of Full-power Emission Mask

Many commenters join with NTA in supporting the Commission’s proposal to permit TV translator and LPTV stations to use the full-power DTV emission mask and the related adjacent channel protection ratios.⁸ No commenter opposes this proposal. Several note the potential benefits of using this mask to prevent interference and help stations securing channels, including stations that may be displaced by any future repacking of TV channels. Venture Technologies comments that the full-power mask should be required by all digital stations in the low power services. Harris Corporation comments that the Commission should “maintain” the use of this mask for LPTV service. This mask is generally not required for interference protection and it is significantly more costly than the “simple” mask used by many digital translator stations. The full-power mask may not be affordable in small communities with limited budgets. The NTA, however, continues to believe use of the full-power mask should be voluntary and as needed.

C. Increased Effective Radiated power for Digital Stations in the Low Power and Class A Television Services

The Commission seeks comment on whether the current digital effective radiated power (“ERP”) levels of 300 watts for VHF channels and 15 kilowatts for UHF channels “are

⁷ NTA (p. 4).

⁸ See NTA (p. 5); Hatfield and Dawson Consulting Engineers, LLC (p. 3); duTreil, Lundin and Rackley, Inc. (p. 3); Venture Technologies (p. 7); Cellular South (p. 11); Entravision Holding, LLC (p. 12); Harris Corporation (p. 12); LPTV Entrepreneurs (p. 8); Low Power TV License Group (p. 9); PBS, ATPS & CPB (p. 11); Verizon (p. 3); and Renard Communications Corp. (p. 2).

appropriate to ensure that post-transition low power TV signals provided to consumers will be of an estimable quality.”⁹ Several LPTV station licensees urge the Commission to increase the power limits, noting that viewers are experiencing reception difficulties within the stations’ service areas, mostly affecting operations on VHF channels.¹⁰ Folse Communications, licensee of Class A TV stations in southeastern Louisiana reports reception difficulties at viewers’ homes, stating part of the problem is that one of the stations operates on a VHF channel. Folse believes increasing the power limit would make a “considerable difference” in reception quality. Lotus TV of Houston, LLC has operated a UHF digital station at the maximum ERP. It reports that its digital service cannot be received everywhere within its former analog area, resulting in viewer complaints. Subsequently, it received a temporary authorization from the Commission to operate the digital station at 60 kilowatts, which it reports has solved the signal coverage problem. Lotus TV of Houston concludes that the digital power limits should be raised to 1000 watts for VHF stations and 100 kilowatts for UHF stations.

John Terrill operates low power VHF stations in the Salt Lake City metropolitan area. He also reports coverage problems, concluding the station “just doesn’t have the power to get the job done” and that a ten-fold increase in the power limit is necessary *i.e.*, raising the limit to 3000 watts. Renard Communications also urges a 3000 watt limit for the VHF band. Venture Technologies recommends that an increase to 6000 watts for Channels 7-13 and

9 *Further Notice of Proposed Rulemaking* in MB Docket No. 03-185, at para. 43.

10 See NTA (p. 6); Folse Communications, LLC (p. 3); duTreil, Lundin & Rackley (p. 2); John Terrill (p. 3); Venture Technologies (p. 4); LPTV Entrepreneurs (p. 8); Low Power TV License Group (p. 10); Renard Communications Corp. (p. 3); and Lotus TV of Houston, LLC (p. 6). *See also* Entravision (p. 10), maintaining that the VHF band, especially Channels 2-6, is not suitable for LPTV, in part, citing poor signal propagation.

4000 watts for Channels 2-6 to improve the viability of low power digital operations. In order to achieve the ratio of full-power station digital to analog power, duTreil, Lundin & Rackley calculate that the VHF limits should be raised to 1500 watts for channels 7-13 and 1350 watts for channels 2-6 and the UHF limit increased to 30 kilowatts. LPTV Entrepreneurs suggests that the 15,000-watts limit for the UHF band also be applied to VHF channels.

NTA notes that, traditionally, somewhat higher power has been allowed for analog TV stations operating on high band VHF channels due to signal propagation differences favoring low band channels. However, low band VHF signals are more affected by background noise. Thus, as a compromise, NTA maintains that a single power limit is appropriate for all VHF channels. There is no analytical method for determining the desired ERP level for all situations. The NTA recommends, as a starting point, that the current digital VHF ERP limit be increased by 10 dB to a value of 3000 watts and that practical experience be gained with operations at this level. This power limit would not worsen the potential for interference because any station proposing a power increase must first satisfy the Commission's interference analysis.

The need for the VHF channels will increase significantly if the Commission reallocates UHF broadcast spectrum to broadband services and repacks the remaining channels. Therefore, the NTA believes it is essential that the Commission increase the digital VHF power limit to ensure the viability of existing and future TV translator, LPTV, and Class A TV operations on Channels 2-13.

Only one commenter, National Public Radio ("NPR") appears to oppose a higher digital VHF power limit, based on its concern of increased potential interference from television operations on Channel 6 to noncommercial-educational stations operating on adjacent

frequencies.¹¹ NTA believes NPR's interference concern lacks factual support and should not preclude increasing the power limit for LPTV stations on Channel 6. Hundreds of analog TV translators have operated on this channel for decades with little or no interference to NCE FM radio reception and NTA has no reason to believe that will change with higher power operations. Further, due to its noise-like nature, a digital TV signal is less likely to interfere with FM reception than an analog signal. Analog interference is caused by discrete 4.5 MHz spurious products falling in the adjacent channel due to intercarrier beats of the TV visual and aural carriers. These carriers are not present in digital signals.

D. Other Technical Issues

1. Use of OFDM Modulation: Spectrum Evolution.org and One Ministries, Inc. urge the Commission to permit the use of the Orthogonal Frequency Division Multiplexing ("OFDM") modulation in the LPTV and Class A TV services.¹² Spectrum Evolution.org is exploring means by which LPTV and Class A TV stations can provide combined broadcast and broadband wireless service. It believes the LPTV services can begin to implement broadband service ahead of the Commission's schedule and that use of OFDM would facilitate such deployment. The NTA takes no position on this issue, as most TV translators limit their operations to the rebroadcast of the programming of full-power TV stations which use 8VSB modulation. However, NTA understands that use of OFDM could potentially benefit some LPTV and Class A TV stations and also potentially play a role in the

11 National Public Radio ("NPR")(p. 8). NPR urges the Commission to require new low power stations on Channel 6 and existing stations seeking power increases and other technical changes to notify prior to implementation potentially affected FM stations in cases where the television or translator station is located within FM stations' 60 dBu signal contour.

12 See Spectrum Evolution.org (p. 1) and One Ministries, Inc. (p. 1).

deployment of broadband services. Therefore, NTA does not oppose use of this modulation type, provided LPTV and Class A TV stations also provide a broadcast programming service.

2. Changes to the LPTV Protected Contour Definitions. Lotus TV of Houston, LLC

(“Lotus”) asks the Commission to revisit its definitions of LPTV protected signal contours.¹³

The current values are: 43 dBu for VHF channels 2-6, 48 dBu for VHF channels 7-13 and 51 dBu for UHF channels. In choosing these values, the Commission sought LPTV digital service areas comparable in size to analog LPTV areas, recognizing that many stations would “flash cut” their analog operations to digital on the same channel. Lotus recommends that the contour-defining field strengths be increased to the following: 48 dBu for channels 2-6, 54 dBu for channels 7-13 and 60 dBu for channels 14-51. Lotus derives these values from the amount of interference predicted to occur where two co-channel full-power DTV stations would operate at maximum ERP and antenna height at the minimum allowed distance separation. Lotus then calculates increased digital ERP limits it finds necessary to cover existing (analog) service areas.¹⁴ It concludes that increasing the protected contour field strength values will better help to preserve LPTV stations’ former analog service areas when converting to digital service and would also allow greater opportunities for existing LPTV and TV translator stations to convert to digital.

The NTA opposes Lotus’ request on both administrative and technical grounds. First, the request is beyond the scope of this proceeding. It is doubtful that the Commission in this proceeding would consider changing the protected contour values (and the related low power

¹³ See Lotus TV of Houston, LLC

¹⁴ These values are 1 kilowatt for VHF low power stations and 100 kilowatts for UHF stations.

service areas) after already granting thousands of digital LPTV and translator stations under the current values. Second, if any changes to the protected contours were contemplated in a future proceeding, the NTA would favor decreasing, rather than increasing, the defining field strengths, thus increasing the size of the protected contour area. In many translator-served communities, significant populations reside outside the translator's current protected contour. A smaller field strength defining the contour would thus increase protection to these viewers. Finally, it appears that the manner in which Lotus derived its protected contour values is inconsistent with the nature of the interference protection policies, standards and mechanisms in the low power TV services.

3. Use of Low Band VHF Channels for LPTV and TV Translator Stations

Entravision offers the following comment on the use of VHF channels:

(i) opposes the Commission's proposal to use VHF channels for LPDTV Stations on the basis that certain low-V propagation is poor in general and would be particularly so for low-power stations"

NTA urges its members to use UHF channels whenever possible for digital translators. Given the shortage of spectrum, however, it is not always possible to do so. In addition it is current policy to not allow displacement changes from low band channels to UHF or even high band channels on the basis that low band channels are technically inferior and should be avoided. In the interest of using the best technology we urge the Commission to accept the technical inferiority of low band VHF channels as the basis for displacement to high band VHF or UHF channels.

IV. CONCLUSION

Adoption of the recommendations set forth above will enhance the service which TV translator stations can provide and are therefore in the public interest. We thank the

Commission for this opportunity to participate in the crafting of these important rules and policies.

Respectfully submitted,

NATIONAL TRANSLATOR ASSOCIATION

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January 18, 2011